S.B.

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR Single Bench

M.C.C. No. 465 of 2006

(Arising out of order passed in C.R. No. 197/2004)

Petitioner/Dr.Hr. : Smt. Narayan Kaur,
W/o Sardar Attar Singh,
aged about 78 years,
Resident of Old Police Lane,
Sharda Chowk, Raipur,
Tah. & Distt. Raipur (C.G.)

P.R. No. 2824/06
Presented by Shri R.D. Vaishnav
dated 19/7/06

VERSUS

Respondents/J.Drs. :

1. Smt. Ragini Devi,
   Widow of Late Shri Krishna Rao
   aged about 70 years,
2. Ku. Nanda, Daughter of
   Late Shri Krishna Rao,
3. Rakesh, S/o Shri Krishna Rao,
4. Ku. Malti,Daughter of
   Late Shri Krishna Rao,
5. Ku. Jyoti, Daughter of
   Late Shri Krishna Rao,
6. Ku. Chanchala, Daughter of
   Late Shri Krishna Rao,
7. Ku. Bharati, Daughter of
   Late Shri Krishna Rao,

8. Deepak, Son of
Late Shri Krishna Rao,

9. Sanjay, Son of
Late Shri Krishna Rao,

All major, resident of Guru Nanak Marg,
Varasivni, Tahsil Varasivni,
Distt. Balaghat (M.P.)

10. Smt. Gangabai, aged about 71 yrs.
Widow of Late Shri Shankar Rao

11. Ku. Sandhya, Daughter of
Late Shri Shankar Rao,
Resident of Old Police Lane,
Sharda Chowk, Raipur,
Tah. & Distt. Raipur (C.G.)

12. Shri Rama Rao Vangatwar
Clerk, State Bank of India,
Main Branch, Jai Stambh Chowk
Raipur, Distt. Raipur (C.G.)

APPLICATION FOR RESTORATION OF CIVIL REVISION UNDER SECTION 151 OF CODE OF CIVIL PROCEDURE

XI-HC-78

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C.465 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.1.2007

Shri G.D.Vaswani, counsel for the applicant.

I.A.No.2850/2006

Heard.

This is an application for taking document on record.

The application is allowed.

Document is taken on record.

This interim application stands disposed of.

In view of the above, I.A.No.3264/2006 for urgent hearing also stands disposed of.

M.C.C.No.465/2006

Heard.

This M.C.C. is an application for restoration of C.R.No.197/2004, which was dismissed in default for non compliance of order dated 28.6.2006, by which, this Court has directed for issuance of fresh notice to the respondents on their correct addresses on payment of P.F. within 7 days, failing which, the revision was directed to be dismissed without reference to the Bench.

Learned counsel for the applicant submits that in fact, the notice was sent to the respondents on their correct addresses on earlier occasion and with a bonafide intention to get them served by a substituted service, he could not file the process fee according to order dated 28.6.2006 and he filed an application for substituted service on 5.7.2006 vide I.A.No.2089/2006. To support his contention, he refers to the record of

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...M.C.C. 465... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

C.R.No.197/2004, in which, at page No. 20, an application for substituted service (I.A.No.2089/2006) is enclosed, which is shown to be received in the Registry on 5.7.2006 through P.R.No.5049/2006.

In view of the above contention raised by learned counsel for the applicant that he has filed the application for substituted service within 7 days and in the believe that the aforesaid application would be allowed, he did not file P.F. in time and the revision was dismissed by the pre-emptory order, appears to be bonafide.

For the reasons stated above, the default for non-payment of P.F. according to order dated 28.6.2006, passed in C.R.No. 197/2006 is hereby condoned and the revision is restored to its original number.

It be listed for hearing in **next week**.

This M.C.C. (465/2006) stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Sunita

P.T.O.